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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,900	08/18/2003	Kevin W. Eyres	200304043-3 (HPC.0068C2US)	3212
22879 7590 12/14/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER HOMAYOUNMEHR, FARID	
			ART UNIT 2132	PAPER NUMBER
			NOTIFICATION DATE 12/14/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/642,900

Applicant(s)

EYRES ET AL.

Examiner

Farid Homayounmehr

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9,12,15,16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3,4,6-9,12,15,16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims **1-20** have been considered.
2. Claims 2, 5, 10, 11, 13, 14, 17 and 19 have been cancelled by the applicant.

### *Response to Arguments*

3. Applicant argues that the new feature of executing the first code during boot process is not shown by the cited reference, Dolphin. This argument has been found persuasive. The amendments have caused a new ground of rejection, reflected in the next section.

Applicant also argues that Dolphin does not perform verification of the loaded key in the subsequent use of the key. However, as indicated in the cited portions, Dolphin teaches an updating process to allow access within a time limit, or control access to limited versions of data. The example in col. 12 lines 28 to col. 13 line 34 shows Dolphin teaching access to data (subscription) within a period of six months, and no access thereafter, unless a new key is purchased. Therefore, when the user enters a key to access the data after the sixth month, the keys are determined to be proper or improper. Therefore, the key is verified.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4 6-9, 12, 15, 16, 18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin (US Patent No. 5,457,746, dated Oct. 10, 1995), and further in view of Richman (U.S. Patent No. 6,003,097, dated Apr. 9, 1997).

5.1. As per claim 1, Dolphin is directed to a method of installing software in a system, comprising: during an installation procedure, providing a user prompt to request entry of a key (col. 4 lines 39-48. Also note col. 5 line 17-20, where "software" is clearly indicated as one of data that may be stored on a CD; and made available to user for installation); determining whether an entered key is proper; in response to determining that the entered key is proper, installing the software in the system and storing the entered key (col. 6 lines 54 to 58 shows access to data (software installation when the stored data is a software) and storing of the key when the key is proper); in response to determining that the entered key is not proper, installing the software in the system and enabling activation of first code to prompt for entry of the key at a later time (the scenario when the proper key is not entered is taught by Dolphin when a key is expired. According to

col. 6 line 58 to col. 7 line 28, when the key is expired (not proper) the program requires entry of a new key. Therefore when the software was installed, the program to prompt for entering a key at a later time, must have been initiated); after enabling activation of the first code, executing the first code during a boot procedure of the system (Dolphin does not show execution of a code during a boot procedure of the system. Richman shows execution of codes during boot procedure. These codes are determined to be necessary to execute during the boot procedure (see step 54 of Fig. 4A and associated text) Dolphin and Richman are analogous art, as they are both directed to installing data and software in computer and information systems. At the time of invention, it would have been obvious to the one skilled in art to perform the code execution to verify keys as taught by Dolphin, during the boot procedures, as taught by Richman. The motivation to do so would have been to limit system access at the boot level only to the ones with authority (holding a proper key)); during execution of the first code, providing another prompt for entry of a second key (Dolphin shows that a new key (second key) is required after the first key is expired).

5.2. As per claim 3, Dolphin is directed to the method of claim 1, further comprising: determining, by the first code, whether the second key is proper; and not executing the installed software in response to the second key not being proper (See response to claim 2, and note that the purpose of verification of a key is to allow or disallow access and the standard response to entering an improper key is access denial).

5.3. As per claim 4, Dolphin is directed to the method of claim 3, further comprising storing the second key in a registry in response to the second key being proper (the new key (second key) must be stored in the registry so it could be checked if it is proper).

5.4. As per claim 6, Dolphin is directed to the method of claim 4, further comprising: during execution of the installed software, providing a prompt for entry of a third key (Dolphin and Richman teach verification of multiple keys (first and second keys) to determine if a software should be installed or not. Verification of a third key would have been obvious to the one skilled in art).

5.5. As per claim 7, Dolphin is directed to the method of claim 6, further comprising: determining whether the third key is proper; and stopping execution of the installed software in response to determining that the third key is not proper (per col. 6 line 58 to col. 7 line 28, Dolphin's system check for validity of the key, and if the key is expired, requires a new key. It is the standard procedure that if an access code is not valid, the access is denied, which in this case means termination of the software execution. See also response to claim 6).

5.6. As per claim 8, Dolphin is directed to the method of claim 1, further comprising: during execution of the installed software, providing a prompt for entry of a third key; determining whether the third key is proper; and stopping execution of the installed

software in response to determining that the second key is not proper (see response to claims 1 and 7).

5.7. The limitations of claims 9, 12, 15, 16, 18 and 20 are substantially the same as limitations of claims 1, 3, 4, 6-8 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

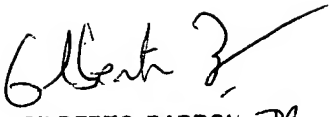
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Farid Homayounmehr

Examiner

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GILBERTO BARRON JR  
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